

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION

BILLY RAY FORD, JR., #80574

PETITIONER

VS.

CIVIL ACTION NO. 2:08cv268-KS-MTP

STATE OF MISSISSIPPI

RESPONDENT

ORDER

THIS MATTER is before the court on a “Motion of Discovery” [30] filed by Petitioner.

In his motion, Petitioner seeks to obtain a copy of his case file from his trial attorney, Clifton Gaddis. As an initial matter, the court notes that this is not a proper discovery request, since the documents Petitioner is seeking are apparently in the possession of Petitioner’s attorney, who is not a party to this action. Moreover, discovery in this action is governed by Rule 6 of the Federal Rules Governing Section 2254 Petitions, which allows a judge to authorize discovery only upon a showing of “good cause,” and only where the party requesting discovery has provided specific reasons for the request. Petitioner has failed to make either showing. Accordingly,

IT IS ORDERED that Petitioner’s “Motion of Discovery” [30] is denied.

SO ORDERED AND ADJUDGED this the 20th day of January, 2010.

s/ Michael T. Parker

United States Magistrate Judge